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05-20-04

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

AF-~~\$~~ IFU
EU 684649757 US 2176

Patent Application

Inventors: **Andrew T. Busey**
Case No.: **Quintus 5**
Serial No.: **09/187,895** Group Art Unit: **2176**
Filing Date: **November 6, 1998**
Examiner: **W. Bayshore**
Title: **Method and System for Coordinating Media and Messaging Operations in an Information Processing System**

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

SIR:

FEE FOR FILING A BRIEF IN SUPPORT OF APPEAL

Please charge the amount of \$330 to Avaya Inc. Deposit Account No. 501602 to cover the fee for filing a brief in triplicate in support of an appeal under 37 CFR 1.17(c).

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Respectfully submitted,

Andrew T. Busey

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By

David Volejnicek
David Volejnicek
Corporate Counsel
Reg. No. 29355
303-538-4154

Date: 19 May 2004
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I hereby certify that this Application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.		
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SIR:

APPLICANT'S/APPELLANT'S APPEAL BRIEF

This is an appeal from an obviousness rejections of claims of an application relating to coordinating (synchronizing) presentation of information from multiple media servers. Appellant requests that the Board reverse the rejections as erroneous.

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Appendix E – Final Office Action mailed on December 24, 2003,
designated as paper no. 21

REAL PARTY IN INTEREST

The real party in interest is Avaya Technology Corp., the assignee of the above-identified application, as evidenced by the Assignment from the inventor to Acuity Corporation recorded on Reel 9577 Frame 0112, by an assignment from Acuity Corporation to Quintus Corporation, recorded on Reel 011061 Frame 0944, by assignment from Quintus Corporation to Avaya Inc. recorded on Reel 012698 Frame 0615, and by assignment from Avaya Inc. to Avaya Technology Corp. recorded on Reel 012698 Frame 0610 of the United States Patent and Trademark Office assignment records.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 29-70 are pending; claims 1-28 have been canceled. Claims 29-31, 33-46, 48-61, and 63-70 stand rejected under 35 U.S.C. §103(a) over U.S. patent number 5,793,365 (Tang et al.) in view of U.S. patent number 5,668,863 (Bieselin et al.). Claims 32, 47, and 62 stand rejected under §103(a) over Tang et al. in view of Bieselin et al. further in view of U.S. patent number 5,956,038 (Rekimoto).

The appealed claims are claims 29-70.

STATUS OF AMENDMENTS

No amendments to the claims were filed subsequent to final rejection.

SUMMARY OF THE INVENTION

The inventors have invented a simplified way of coordinating (synchronizing) presentation at one or more user nodes (e.g., client computers) of information from multiple media servers: one of the media

servers carries-on control communications with the user nodes and pursuant thereto controls the communicating of all of the media servers with the user nodes, even though each of the media servers is connected to the user nodes directly (i.e., without intermediacy of any of the other media servers).

In an information processing system (100 in Figs. 1 or 7) where clients (102-108) communicate with each other simultaneously via a variety of separate media (i.e., separate services such as streaming media 112 or 262, real-time chat 114 or 264, web browsing 116 or 266, etc.), it is desirable to coordinate (synchronize) presentation of information by the various media at the client nodes (page 2, lines 18-25). Each client node displays simultaneously a plurality of windows (202-206 in Fig. 2), each for information of a different medium (i.e., from a different service) (page 12, line 18, to page 15, line 15). Illustratively, the desire is to coordinate simultaneous display of possibly-related information in the different windows of a single client node, as well as to coordinate simultaneous display of information in one or more windows of a plurality of client nodes (page 15, line 15, to page 16, line 4, and page 40, lines 9-27).

Each service, including displaying of that service's information in the corresponding window, is controlled on each client node by a corresponding client process (310-314 in Fig. 8). Thus, a media client process (310) controls streaming media, a chat client process (312) controls real-time chat, and a web browser process (314) controls web browsing (page 33, line 10, to page 34, line 21). Client processes cooperate with each other and with server processes (262-264) of their corresponding media to provide services to the clients (page 34, line 20, to page 37, line 13).

Coordination/synchronization is effected by one of the media server processes – illustratively by the chat server process (264) (page 40, lines 9-24). Each client process communicates media information (e.g., displayable content) directly to and from its corresponding server process

(as is conventional), but also communicates control information with the chat client process (Figs. 10 or 15, and 11). The chat client process also communicates control information with the chat server process, thereby informing the chat server of what the client wishes to have done, and controlling actions of the other client processes under control of the chat server process (Fig. 10 or 15). The chat server process uses the control information received from the chat client process to effect synchronization, controlling not only its own operation and the operation of the chat client process (as is conventional), but also controlling the operation of the other server processes (Fig. 9 or 14).

ISSUES

The issue presented for review is whether the rejection of claims 29-70 under 35 U.S.C. §103(a) as obvious over the teaching of the applied references is in error.

GROUPING OF CLAIMS

For purposes of this appeal, the appealed claims are grouped into three groups as follows:

Group A includes claim 29-33, 39-48, and 54-58;

Group B includes claims 34-37, 49-52, 59-65, and 67-70; and

Group C includes claim 38, 53, and 66.

ARGUMENTS

A. The disclosure of Tang et al.

Tang et al. discloses a collaboration environment for computer users (workers). One of the provided communication mechanisms is an improved chat room window (Fig. 5) that allows workers to store and share documents, files, and the like, that typically are related to the topic of discussion in the chat room. Each chat room includes an object shelf

(24) that displays an icon or other representation of a data file. Workers can place and remove files to and from the object shelf. This allows chat room participants to have in one place both a discussion of an issue and access to files related to the issue. The object shelf allows the chat participants to conveniently transfer and share common resources. Files and objects are placed on the shelf by dragging their icon from some other window, such as file browser, and dropping the icon into the shelf, or by using any equivalent mechanism for transferring data. Files may also be copied from the shelf to the worker's own desktop or file directories. (Col. 3, line 59, to col. 4, line 13, and col. 9, lines 22-62.)

Chat rooms are implemented by a chat room database (131 in Fig. 10) that maintains a set of chat room objects (133) providing the functionality described above. Each chat room object stores text data for the discussion in the chat room and a set of references to data items on the object shelf, plus methods to allow users to update the chat room window with text or other data and to add or remove data items on the object shelf. (Col. 11, lines 44-57.) For example, when a desktop video conference is initiated, a glance windows (Fig. 3) is provided on the user's computer to facilitate this function. The glance window provides various panels of video stream data for each of the participants of the video-conference. The glance window also includes an object portal (23) that allows the participants to pass data by cut-and-paste or drag-and-drop operation. (Col. 8, lines 29-44.)

The communication architecture supports connections between workers in a variety of modes, such as audio, video, or text (col. 4, lines 20-28). A communications server (80 in Fig. 11) handles communication services between the user's computer and other computers on the network. The communications server has interfaces to various communication applications, such as a video conference server (81), an audio conference server (83), an e-mail application (85), and a text chat application (87). (Col. 12, lines 61-66.)

B. The Examiner acknowledges that Tang et al. do not teach the claimed invention.

As was described above, Fig. 11 of Tang et al. discloses a plurality of media servers (81-87) connected to a user node (a worker's computer) via a communications server 80. Applicant's independent claim 29 recites "communicating between a user node and each of a plurality of media servers directly and not through other of said media servers." (emphasis added) Independent claims 44 and 59 include recitations to the same effect. Since media servers 81-87 of Tang et al. communicate with the user node via communication server 80, communication server 80 does not correspond to one of applicant's media servers. Applicant's claim 29 further recites "each of the media servers communicat(ing) in a different one of the plurality of the media." Independent claims 44 and 59 include recitations to the same effect. Since communication server 80 only interfaces communications of all servers 81-87 with the user node, it can be considered to either communicate in all media or in no media. But it cannot be considered to communicate in "a different one of the plurality of the media." For this reason as well, the communication server 80 does not correspond to one of applicant's media servers. Therefore, only the media servers 81-87 of Tang et al. may possibly correspond to the media servers recited in applicant's claims.

Applicant's claim 29 further recites "one media server controlling the communicating between the user node and the plurality of the media servers to coordinate presentation of communications in the plurality of the media at the user node." Independent claims 44 and 59 include recitations to the same effect. There is no disclosure, teaching, or suggestion in Tang et al. that one of the media servers 81-87 controls the communicating between all of them and the user node, or that one of the media servers 81-87 coordinates presentation of communications in the

plurality of the media at the user node. Hence, the disclosure of Tang et al. does not meet the requirements of any of applicant's claims.

The Examiner substantially agreed with the above characterization of Tang et al., stating in the final Office Action that communications server 80 "is not technically a media server" and that "Tang does not specifically teach a media server controlling the communicating between the user node and the media servers." (see Appendix E, page 3) However, he referenced Bieselin et al. as providing this teaching. (*Id.*)

C. Bieselin et al. do not supplement the teaching of Tang et al. in any way that is relevant to the claimed invention.

The Examiner is incorrect in asserting that Bieselin et al. teach a media server controlling the communicating between a user node and a plurality of media servers. Bieselin et al. merely disclose the structure and function of an audioconferencing system server (100 in Fig. 1) that records and plays back teleconference data (col. 3, lines 60-67). No other server is disclosed by Bieselin et al. Nor is there any disclosure, teaching, or suggestion by Bieselin et al. of one media server controlling communicating between a user and other media servers, or of coordinating presentation of communications in a plurality of media at a user node. Thus, Bieselin et al. merely disclose an audio conferencing system server.

An audio conference server 83 is one of the media servers disclosed in Tang et al. So, the combined teaching of Tang et al. and Bieselin et al. only provide more information about the structure of audio conference server 83 of Tang et al., which server is merely shown as a box in Tang et al. with no further detail being provided. Contrary to the Examiner's assertion, the combined teachings do not disclose "one media server controlling the communicating between the user node and the plurality of the media servers to coordinate presentation of communications in the plurality of the media at the user node" as required

by the claims. Consequently, the combined teachings of Tang et al. and Bieselin et al. also do not meet the requirements of applicant's claims. For at least this reason, all three groups of claims are patentable over the combined teachings of Tang et al. and Bieselin et al.

D. The combined teachings of Tang et al., Bieselin et al., and Rekimoto do not teach the claimed invention.

Claims 32, 47, and 62 explicitly recite a web server. The Examiner noted that Tang et al. do not disclose a web server, but that "Rekimoto teaches a chat and media (avatar) related application involving the use of a browser/server." (see Appendix E, page 8)

The Examiner is correct. But this teaching – or any other teaching of Rekimoto – does nothing to alleviate the failure of Tang et al. and Bieselin et al. to disclose, teach, or suggest the fundamental invention recited in the claims. Thus, the combined teachings of Tang et al., Bieselin et al., and Rekimoto also fail to meet the requirements of applicant's claims, and so all three groups of claims are patentable over the combined teachings of these references.

E. The Examiner failed to even address the additional requirements of Group B and C claims.

Group B claims add to the base recitations such as are found in Group A claims additional recitations about involvement of the one media server's client in coordinating the presentation of the communications at the user node. And Group C claims specify that each media server in the Group A or B claims communicates with its own client in the user node to present the communications at the user node, but that the client of the one media server passes control communications between itself and the other clients as well as between itself and the one media server to coordinate the presentation of those communications. These recitations provide additional grounds for patentability of these claim groups. But the


Examiner did not even address these recitations in his rejection of the claims. Thus, while the Examiner has provided a flawed basis for rejecting Group A claims, he has failed to provide any basis for rejecting Group B and C claims.

CONCLUSION

For all of the reasons given above, applicant respectfully asserts that the Section 103(a) rejections of all of his claims are not well founded. Applicant therefore respectfully requests that the rejections of the appealed claims be reversed.

Respectfully submitted,


Andrew T. Busey

By 

David Volejnicek
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Reg. No. 29355
303-538-4154

Date: 19 May 2004
Avaya Inc.
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307 Middletown-Lincroft Road
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THE APPEALED CLAIMS



29. A method for coordinating a plurality of communications in a plurality of media in an information processing system, comprising:

communicating between a user node and each of a plurality of media servers directly and not through other of said media servers, wherein each of the media servers communicates in a different one of the plurality of the media; and

in response to control communications between one of the media servers and the user node, the one media server controlling the communicating between the user node and the plurality of the media servers to coordinate presentation of communications in the plurality of the media at the user node.

30. The method of claim 29 wherein:

coordinating comprises

in response to control communications between a chat server and the user node, the chat server controlling the communicating between the user node and the plurality of the media servers.

31. The method of claim 30 wherein:

communicating comprises

the user node communicating with the chat server and a streaming media server.

32. The method of claim 30 wherein:
communicating comprises
the user node communicating with the chat server, a streaming media server, and a web server.

33. The method of claim 29 wherein:
controlling comprises
the one media server receiving control communications from a user of the user node; and
in response, the one media server controlling the communicating between the user node and the plurality of the media servers to coordinate the presentation of the communications in the plurality of the media to the user.

34. The method of claim 29 wherein:
controlling comprises
passing control communications between the one media server and a client of the one media server in the user node to coordinate the presentation of the communications in the plurality of the media at the user node; and
cooperating between the one media server and the client of the one media server to present communications in the medium of the one media server at the user node.

35. The method of claim 34 wherein:

passing control communications comprises

selecting communications at the user node; and

passing the control communications between the one media server and the client of the one media server to cause only the selected communications to be presented at the user node.

36. The method of claim 34 wherein:

passing control communications comprises

selecting media at the user node at a time; and

passing the control communications between the one media server and the client of the media server to cause communications in the selected media to be presented at the user node at the time.

37. The method of claim 34 wherein:

passing control communications comprises

the client of the one media server receiving control signals from a user of the user node; and

in response, the client of the one media server passing the control communications between the client and the one media server to coordinate presentation of the communications in the plurality of the media to the user.

38. The method of claim 29 wherein:

communicating comprises

communicating between each media server and that media server's own corresponding client in the user node to present the communications in the plurality of the media at the user node; and

coordinating comprises

the client of the one media server and the clients of other said media servers passing control communications between them to coordinate the presentation of the communications in the plurality of the media at the user node;

the client of the one media server and the one media server passing the control communications between them to coordinate the presentation of the communications in the plurality of the media at the user node;

the client of the one media server and the one media server cooperating to present communications in the medium of the one media server at the user node; and

the one media server controlling communicating between others of the media servers and their corresponding clients to coordinate the presentation of the communications in the plurality of the media at the user node.

39. The method of claim 29 wherein:

communicating comprises

communicating between each of the media servers and each of a plurality of user nodes in the different one of the plurality of the media directly and not through another of said media servers; and

coordinating comprises

in response to control communications between the one media server and the clients of the one media server on the plurality of the user nodes, the one media server controlling the communicating between the plurality of the user nodes and the plurality of the media servers to coordinate presentation of the communications in the plurality of the media at each of the plurality of the user nodes.

40. The method of claim 39 wherein:

communicating between each of the media servers and each of a plurality of user nodes comprises

originating the communications in at least some of the media at some of the user nodes.

41. The method of claim 39 wherein:

communicating between each of the media servers and each of a plurality of user nodes comprises

originating the communications in at least some of the media at some of the user nodes; and

presenting the originated communications at others of the user nodes.

42. The method of claim 39 wherein:

the one media server controlling the communicating between the plurality of the user nodes and the plurality of the media servers comprises

the one media server coordinating the presentation of the communications in the plurality of the media independently of each of multiple ones of the plurality of the user nodes.

43. The method of claim 39 wherein:

the one media server controlling the communicating between the plurality of the user nodes and the plurality of the media servers comprises

the one media server coordinating the presentation of the communications in the plurality of the media jointly at multiple ones of the plurality of the user nodes.

44. A system for coordinating a plurality of communications in a plurality of media in an information processing system, comprising:

a plurality of media servers each for communicating in a different one of the plurality of the media with a user node directly and not through another of said media servers; and

one of the media servers being responsive to control communications between the one media server and the user node for controlling the communicating between the user node and the plurality of the media servers to

coordinate presentation of communications in the plurality of the media at the user node.

45. The system of claim 44 wherein:

the one media server is a chat server.

46. The system of claim 45 wherein:

another of the media servers is a streaming media server.

47. The system of claim 46 wherein:

yet another of the media servers is a web server.

48. The system of claim 44 wherein:

the one media server controls the communicating in the plurality of the media in response to control communications received from a user of the user node to coordinate presentation of the communications in the plurality of the media to the user.

49. The system of claim 44 further comprising:

a client of the one media server in the user node, the client and the one media server passing control communications between them to coordinate the presentation of the communications in the plurality of the media at the user node

and cooperating to present communications in the medium of the one media server at the user node.

50. The system of claim 49 wherein:

the client of the one media server and the one media server pass the control communications to cause only communications selected at the user node to be presented at the user node.

51. The system of claim 49 wherein:

the client of the one media server and the one media server pass the control communications to cause communications in media selected at the user node to be presented at the user node at a time selected at the user node.

52. The system of claim 49 wherein:

the client of the one media server responds to control signals received from a user of the user node by passing the control communications between the client and the one media server to coordinate presentation of the communications in the plurality of the media to the user.

53. The system of claim 44 further comprising:

a corresponding client for each of the media servers in the user node, the client of the one media server and the clients of the other media servers passing

control communications between them to coordinate the presentation of the communications in the plurality of the media at the user node; wherein

the client of the one media server and the one media server pass the control communications between them to coordinate the presentation of the communications in the plurality of the media at the user node, and cooperate to present communications in the medium of the one media server at the user node; and

the one media server controlling communicating between the others of the media servers and their corresponding clients to coordinate the presentation of the communications in the plurality of the media at the user node.

54. The system of claim 44 wherein:

each of the plurality of the media servers communicates in the different one of the plurality of the media with a plurality of user nodes directly and not through another of said media servers; and

the one media server is responsive to control communications between the one media server and the plurality of the user nodes for controlling the communicating between the plurality of the user nodes and the plurality of the media servers to coordinate presentation of the communications in the plurality of the media at each of the plurality of the user nodes.

55. The system of claim 54 wherein:

the communications in at least some of the media originate at some of the user nodes.

56. The system of claim 54 wherein:

the communications in at least some of the media originate at some of the user nodes and are presented at others of the user nodes.

57. The system of claim 54 wherein:

the one media server coordinates the presentation of the communications in the plurality of the media independently at each of multiple ones of the plurality of the user nodes.

58. The system of claim 54 wherein:

the one media server coordinates the presentation of the communications in the plurality of the media jointly at multiple ones of the plurality of the user nodes.

59. An interface for coordinating a plurality of communications in a

plurality of media at a user node of an information processing system,
comprising:

a plurality of clients in the user node, each for communicating in a different one of a plurality of media with a corresponding one of a plurality of media

servers directly and not through another of said media servers, and for presenting communications in the plurality of the media at the user node; and one of the clients passing control communications with its corresponding media server for causing the corresponding media server to control the communicating between the plurality of the clients and the plurality of the media servers to coordinate the presenting of the communications in the plurality of the media by the plurality of the clients at the user node.

60. The interface of claim 59 wherein:

the one client is a chat client.

61. The interface of claim 60 wherein:

another of the clients is a streaming media client.

62. The interface of claim 61 wherein:

yet another of the clients is a web browser.

63. The interface of claim 59 wherein:

the one client passes the control communications with the corresponding media server in response to control signals received from a user of the user node, for causing the corresponding media server to control the communicating between the plurality of the clients and the plurality of the media servers to coordinate presentation of the communications in the plurality of the media to the

user and causing the corresponding media server to provide communications in the medium of the corresponding media server to the one client for presentation to the user.

64. The interface of claim 63 wherein:

the one client passes the control communications to inform the corresponding media server of the user's selection of communications in any of the plurality of the media for the presentation to the user.

65. The interface of claim 63 wherein:

the client passes the control communications to inform the corresponding media server of the user's selection of communications in any of the plurality of media for the presentation to the user at a particular time.

66. The interface of claim 59 wherein:

the one client and other said clients further pass control communications between them to coordinate the presentation of the communications in the plurality of the media at the user node; and

the one client cooperates with the corresponding media server to present communications in the medium of the corresponding media server at the user node.

67. The interface of claim 59 for an information processing system comprising a plurality of the user nodes, wherein:

the communications in at least some of the media presented at said user node originate at others of the user nodes.

68. The interface of claim 59 for an information processing system comprising a plurality of the user nodes wherein:

communications in at least some of the media originate at said user node and are presented at others of the user nodes.

69. The interface of claim 59 for an information processing system comprising a plurality of the user nodes wherein:

the one client causes the corresponding media server to coordinate the presentation of the communications in the plurality of the media at said user node independently of presentation of the communications in the plurality of the media at others of the user nodes.

70. The interface of claim 59 for an information processing system comprising a plurality of the user nodes wherein:

the one client causes the corresponding media server to coordinate the presentation of the communications in the plurality of the media at said user node jointly with presentation of the communications in the plurality of the media at others of the user nodes.



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Date 3/24/2004 Client: Avaya, Inc.
Docket Initials M 4068.P004x2
Dock. Sup. Initials V
Atty Initials JHS KGS
Pat/Ser/Reg 187,895

Description:

3 x

Response due final OA and possible appeal

12/29/2003

Natalie Adair

Date 2/24/2004 Client: Avaya, Inc.
Docket Initials M 4068.P004x2
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Pat/Ser/Reg 187,895

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4

Two months since final oa was mailed

12/29/2003

Natalie Adair

Date 3/24/2004 Client: Avaya, Inc.
Docket Initials M 4068.P004x2
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Description:

155

If advisory action or notice of allowance not received by today, review file for possible filing of continuation application.

12/29/2003

Natalie Adair

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Docket Initials M 4068.P004x2
Dock. Sup. Initials V
Atty Initials JHS KGS
Pat/Ser/Reg 187,895

Description:

156

Reminder, review file for possible filing of continuation application if advisory action or notice of allowance not received by 3/24/04

12/29/2003

Natalie Adair

ENTERED
JHS DB

Office Action Summary

Application No.

09/187,895 ✓

Applicant(s)

BUSEY, ANDREW T.

Examiner

William L. Bashore

Art Unit

2176

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20. 6) ☐ Other:

DETAILED ACTION

1. This Action is responsive to communications: amendment/Request for Reconsideration (hereinafter the Request) filed 9/29/2003, to the original application filed 11/6/1998, which is a CIP of 08/768,606 filed 12/18/1996 - now abandoned, and CIP of 08/722,898 filed 9/27/1996, now U.S. Patent No. 5,764,916. IDS filed 12/5/2002, 3/24/2003, and 10/24/2003.
2. The Donath reference cited on IDS filed 10/24/2003 (as paper 20) cannot be considered because a verifiable date cannot be established.
3. Claims 29-31, 33-46, 48-61, 63-70 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tang and Bieselin.
4. Claims 32, 47, 62 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Bieselin, and Rekimoto.
5. Claims 29-70 are pending. Claims 29, 44, 59 are independent claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if ~~the~~ differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 29-31, 33-46, 48-61, 63-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (hereinafter Tang), U.S. Patent No. 5,793,365 issued August 1998, in view of Bieselin et al. (hereinafter Bieselin), U.S. Patent No. 5,668,863 issued September 1997.

In regard to independent claim 1, Tang teaches coordinating media/messaging operations via a real time chat server, said server handling transmitted data (see Tang column 3 lines 59-67, column 4 lines 1-4; compare with claim 1 "*A method for coordinating a plurality of communications....comprising*").

Tang teaches sending a message stream in the form of initial messages and objects, sent to a chat server (chat servers process bi-directional message data), and accepting the same from other users engaged in a chat environment, said messages controlled by a chat server (see Tang Figure 5, column 3 lines 20-29, column 8 lines 32-39, also Abstract). Tang also teaches a communication server in connection with a video conferencing server, and an audio conferencing server (see Tang Figure 11 items 80, 81, 83). Since item 80 is not technically a media server, a user can communicate with each of media servers 81 and 83 directly (i.e. separately, without overlap) to the extent shown via directional arrows within Figure 11 (see also Tang column 14 lines 40-43 (compare with claim 29 "*communicating between a user node and each... in a different one of the plurality of the media*").

Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (see Tang Figure 11 items 80, 81, 83). Tang does not specifically teach a media server controlling the communicating between the user node and the media servers. However, Bieselin teaches recording/retrieval of audio conferences, whereby an audio conferencing system server comprises a system controller and a data storage subsystem, said storage subsystem primarily storing audio data (see Bieselin Figure 1 items 100, 110, 125, also column 3 lines 60-67). Since item 100 contains both the controller, data storage, etc., item 100 controls communication between a user and audio data. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bieselin Figure 1 item 100, to Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server so as to free up communication resources elsewhere (compare with claim 29 "*in response to control communications between one of the media servers... in the plurality of the media at the user node.*").

In regard to dependent claims 30-31, Tang teaches the use of chat servers for controlling communication (i.e. streaming media), a computer network with a plurality of connected computers, a first and

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second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

In regard to dependent claim 33, claim 33 incorporates substantially similar subject matter as claimed in claim 29, and is rejected along the same rationale.

In regard to dependent claim 34, Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (see Tang Figure 11 items 80, 81, 83). Tang does not specifically teach a media server controlling the communicating between the user node and the media servers. However, Bieselin teaches recording/retrieval of audio conferences, whereby an audio conferencing system server comprises a system controller (for controlling communications) and a data storage subsystem, said storage subsystem primarily storing audio data (see Bieselin Figure 1 items 100, 110, 125, also column 3 lines 60-67). Since item 100 contains both the controller, data storage, etc., item 100 controls communication between a user and audio data. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bieselin Figure 1 item 100, to Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server so as to free up communication resources elsewhere.

In regard to dependent claims 35-37, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly.

In regard to dependent claim 38, claim 38 incorporates substantially similar subject matter as claimed in claims 29, and in further view of the following, is rejected along the same rationale.

Tang in view of Bieselin teaches a communication server in communication with media servers. Bieselin is used for adding communication control in a system server incorporating a media server (see Tang

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Figure 11, Bieselin Figure 1; compare with claim 38 "*the client of the one media server and the clients of other said media serversof the media at the user node;*").

In regard to dependent claim 39, claim 39 incorporates substantially similar subject matter as claimed in claim 29, and is rejected along the same rationale.

In regard to dependent claims 40-43, Tang teaches a chat embodiment. A network chat session typically comprises originating media data messages (i.e. text, video, and/or audio) from a user initiating a chat session (see Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

In regard to independent claim 44, claim 44 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 29, and is rejected along the same rationale.

In regard to dependent claims 45-46, Tang teaches the use of chat servers for controlling communication (i.e. streaming media), a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

In regard to dependent claim 48, claim 48 incorporates substantially similar subject matter as claimed in claim 44, and is rejected along the same rationale.

In regard to dependent claim 49, Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (see Tang Figure 11 items 80, 81, 83). Tang does not specifically teach a media server controlling the communicating between the user node and the media servers. However, Bieselin teaches recording/retrieval of audio conferences, whereby an audio conferencing system server comprises a system controller (for controlling communications) and a data storage subsystem, said

storage subsystem primarily storing audio data (see Bieselin Figure 1 items 100, 110, 125, also column 3 lines 60-67). Since item 100 contains both the controller, data storage; etc., item 100 controls communication between a user and audio data. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bieselin Figure 1 item 100, to Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server so as to free up communication resources elsewhere.

In regard to dependent claims 50-52, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly.

In regard to dependent claim 53, claim 53 incorporates substantially similar subject matter as claimed in claims 44, and in further view of the following, is rejected along the same rationale.

Tang in view of Bieselin teaches a communication server in communication with media servers. Bieselin is used for adding communication control in a system server incorporating a media server (see Tang Figure 11, Bieselin Figure 1; compare with claim 53 "*the one media server controlling communicating between....of the media at the user node;*").

In regard to dependent claim 54, claim 54 incorporates substantially similar subject matter as claimed in claim 44, and is rejected along the same rationale.

In regard to dependent claims 55-58, Tang teaches a chat embodiment. A network chat session typically comprises originating media data messages (i.e. text, video, and/or audio) from a user initiating a chat session (see Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

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In regard to independent claim 59, claim 59 reflects the apparatus comprising computer readable instructions used for performing the methods as claimed in claim 29, and is rejected along the same rationale.

In regard to dependent claims 60-61, Tang teaches the use of chat servers for controlling communication (i.e. streaming media), a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

In regard to dependent claims 63, Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (see Tang Figure 11 items 80, 81, 83). Tang does not specifically teach a media server controlling the communicating between the user node and the media servers. However, Bieselin teaches recording/retrieval of audio conferences, whereby an audio conferencing system server comprises a system controller (for controlling communications) and a data storage subsystem, said storage subsystem primarily storing audio data (see Bieselin Figure 1 items 100, 110, 125, also column 3 lines 60-67). Since item 100 contains both the controller, data storage, etc., item 100 controls communication between a user and audio data. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bieselin Figure 1 item 100, to Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server so as to free up communication resources elsewhere.

In regard to dependent claims 64-65, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly.

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In regard to dependent claim 66, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly. Tang also teaches a chat embodiment, whereby various users cooperate with a chat server for transfer of communication data/media.

In regard to dependent claims 67-70, in addition to the teachings of Tang in view of Bieselin as presented above, Tang teaches a communication server selecting the highest communication service available on each participating computer (see Tang column 14 lines 40-43). If a user selects a video conference, said server will try to match services and media accordingly. Tang also teaches a chat embodiment, whereby various users cooperate with a chat server for transfer of communication data/media between users. In addition, an originating message from a chat participant is initially handled independently from other users.

8. Claims 32, 47, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (hereinafter Tang), U.S. Patent No. 5,793,365 issued August 1998, in view of Bieselin et al. (hereinafter Bieselin), U.S. Patent No. 5,668,863 issued September 1997, and further in view of Rekimoto, U.S. Patent No. 5,956,038 issued September 1999.

In regard to dependent claims 32, 47, 62, Tang teaches the use of chat servers for controlling communication (i.e. streaming media), a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40).

Tang does not specifically teach a Web server. However, Rekimoto teaches a chat and media (avatar) related application involving the use of a browser/server (said browser reading HTML) (Rekimoto column 21 lines 59-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply

Rekimoto to Tang, because of Rekimoto's taught advantage of a web server embodiment, providing a user of Tang a way to utilize a familiar and established method of communication via Internet.

Response to Arguments

9. Applicant's arguments filed 9/29/2003 have been fully and carefully considered but are not persuasive. Applicant argues on pages 15-16 of the Request that Bieselin does not teach the shortcomings of (primary reference) Tang.

It is respectfully noted that the instant rejection of representative claim 29 recites that Tang teaches a communication server handling (controlling) data between a user and each of a plurality of media servers (Tang Figure 11 items 80, 81, 83). What Tang appears to lack is said media servers controlling the communicating between the user node and the media servers (i.e. media servers, each comprising both media and communication capabilities). Bieselin teaches recording/retrieval of audio conferences, whereby an audio conferencing system server comprises a system controller and a data storage subsystem, said storage subsystem primarily storing audio data (item 100 can be interpreted as a media server (audioconferencing subsystem) with a system controller/interface (related to communication, items 105, 115, and 120), and media storage (item 125).

The examiner applies Bieselin's server to each of Tang's media servers as indicated in Tang Figure 11, providing Tang the benefit of integrating communication along with a particular media server(s) so as to free up communication resources elsewhere

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this

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final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:00 AM to 7:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (703) 305-9792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

12. Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703-872-9306) (for formal/after-final communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
Patent Examiner, AU 2176
December 21, 2003


JOSEPH H. FEILD
PRIMARY EXAMINER

Substitute for Form 1449/PTO

OCT 24 2003

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number: 09/187,895
 Filing Date: 11-6-98
 First Named Inventor: Busey
 Art Unit: 2176
 Examiner Name: Busey, W.
 Attorney Docket Number: 4068.P004X2

Sheet 1 of 1

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		DONATHI, J., et al., "The Socialable Web, MIT media lab, Internet: http://Judith.www.media.mit.edu/SocialWeb/SociableWeb.html	
093		FRENTZEN, J., "Real-time Internet conferencing Takes Off," PCWEEK, Feb. 20, 1995, v12, no. 7, page 18, (Computer Select CD, Dec. 1995).	
093		CONSTANCE, P., "Interlink posts intelligence data on the Web for 100,000 curious surfers," Government Computer News, May 27, 1996, v15, no. 11, page 60. (Computer Select CD, Dec. 1996).	
093		"Choose your topology", Release 1.0, June 23, 1995, v95, no. 6, page 15, (Computer Select CD, Dec 1995).	
093		"Look who's talking", Computer Letter, July 29, 1996, vol. 12, no. 25, page 1 (computer Select CD, Dec. 1996).	
093		BLAIR, D., "MaxWeb 2.0: Interactive 3D Cinema on the World Wide Web", USENET posting April 3, 1995, Internet-www.google.com/groups	
093		MIRC v.3.7 "Versions.txt" (12/10/95) -retrieved from www.mirc.org	
093		Progressive Networks, Inc., "RealVideo Technical White Paper", 7 pages, March 16, 1997, http://www.real.com/products/realvideo/overview/index.html	

 Examiner
Signature

William L. Busey

 Date
Considered

12/21/2003

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

(PAPER 20)